

Application Serial No.: 10/663,879

## REMARKS

I. Status Summary

Claims 17-32 are pending in the present application. Claim 32 has been rejected by the U.S. Patent and Trademark Office (hereinafter "the Patent Office"). Claims 20-28 and 30 are currently withdrawn. Claims 17-19, 29 and 31 have been allowed.

Claims 32 has been canceled. No new matter has been added. Therefore, upon entry of Amendment A, claims 17-19, 29, and 31 will be pending in the subject application.

Reconsideration of the application as amended and further in view of the remarks set forth herein below is respectfully requested.

II. Response to Rejection under 35 U.S.C. § 112, First Paragraph

The Patent Office has rejected claim 32 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. In particular, the Patent Office alleges that the applicants provide no standard by which to determine prophylaxis. See Official Action, page 2.

Without acquiescing to the rejection or to the Patent Office's comments, applicants respectfully submit that, in order to expedite the issuance of a patent relating to the presently allowed claims, claim 32 has been canceled. Accordingly, applicants respectfully submit that the rejection of claim 32 under 35 U.S.C. § 112, first paragraph, is rendered moot.

III. Response to the Rejection under 35 U.S.C. § 101

The Patent Office has rejected claim 32 under 35 U.S.C. § 101 as allegedly lacking patentable utility. The Patent Office contends that the applicants do not provide a link between the administration of the claimed compounds and the prevention of disease. See Official Action, page 3.

Without acquiescing to the rejection or to the Patent Office's comments, applicants respectfully submit that, in order to expedite the issuance of a patent relating to the presently allowed claims, claim 32 has been canceled. Accordingly, applicants

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respectfully submit that the rejection of claim 32 under 35 U.S.C. § 101 is rendered moot.

#### IV. Allowable Claims and Non-elected Subject Matter

The Patent Office has indicated that claims 17-19, 29, and 31 are allowed. The Patent Office has further indicated that the non-elected species will be examined when all issues regarding the elected species are resolved.

Applicants gratefully acknowledge the Patent Office's indication as to the allowance of claims 17-19, 29, and 31. In view of the cancellation of claim 32, applicants respectfully submit that all the issues concerning the elected species relating to Formula (I) have been resolved. Accordingly, applicants respectfully request that the Patent Office rejoin and examine claims 20-28 and 30 at this time.

#### CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

#### DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge the amount of \$460.00 for the Extension of Time fee and any other fees associated with the filing of this Amendment B, and to credit any over payment, to Deposit Account Number **50-0426**.

Respectfully submitted,

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Date: January 22, 2008

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421/60/10/2 AAT/ALO/dbp